

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:19-cv-02906-TNM**

ELECTRONIC PRIVACY INFORMATION CENTER v.  
NATIONAL SECURITY COMMISSION ON ARTIFICIAL  
INTELLIGENCE et al

Assigned to: Judge Trevor N. McFadden  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/27/2019

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ELECTRONIC PRIVACY  
INFORMATION CENTER**

represented by **Marc Rotenberg**  
ELECTRONIC PRIVACY  
INFORMATION CENTER  
1519 New Hampshire Avenue, N.W.  
Washington, DC 20036  
(202) 483-1140, ext 106  
Fax: (202) 483-1248  
Email: [rotenberg@epic.org](mailto:rotenberg@epic.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John L. Davisson**  
ELECTRONIC PRIVACY  
INFORMATION CENTER  
1519 New Hampshire Ave, NW  
Washington, DC 20036  
(202) 483-1140 ext. 120  
Email: [davisson@epic.org](mailto:davisson@epic.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**NATIONAL SECURITY  
COMMISSION ON ARTIFICIAL  
INTELLIGENCE**

represented by **Gary Daniel Feldon**  
UNITED STATES DEPARTMENT OF  
JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Room 11104  
Washington, DC 20005  
(202) 514-4686  
Fax: (202) 616-8460  
Email: [Gary.D.Feldon@usdoj.gov](mailto:Gary.D.Feldon@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**ERIC SCHMIDT**  
*in his official capacity as Chairman of the  
National Security Commission on  
Artificial Intelligence*

represented by **Gary Daniel Feldon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**YLLI BAJRAKTARI**  
*in his official capacity as Executive  
Director of the National Security  
Commission on Artificial Intelligence*

represented by **Gary Daniel Feldon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**UNITED STATES DEPARTMENT OF  
DEFENSE**

represented by **Gary Daniel Feldon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #         | Docket Text  |
|------------|-----------|--|
| 09/27/2019 | <u>1</u>  | COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0090-6402957) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Davisson, John) (Entered: 09/27/2019)  |
| 09/27/2019 | <u>2</u>  | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ELECTRONIC PRIVACY INFORMATION CENTER (Davisson, John) (Entered: 09/27/2019)  |
| 09/27/2019 | <u>3</u>  | NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Entered: 09/27/2019)  |
| 09/27/2019 | <u>4</u>  | MOTION for Preliminary Injunction by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Davisson, John) (Entered: 09/27/2019)  |
| 09/30/2019 |           | Case Assigned to Judge Trevor N. McFadden. (zeg) (Entered: 09/30/2019)   |
| 09/30/2019 | <u>5</u>  | SUMMONS (4) Issued Electronically as to YLLI BAJRAKTARI, NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, ERIC SCHMIDT, UNITED STATES DEPARTMENT OF DEFENSE. (Attachment: # <u>1</u> Notice and Consent)(zeg) (Entered: 09/30/2019)  |
| 10/01/2019 | <u>6</u>  | STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 10/1/2019. (lctnm2) (Entered: 10/01/2019)  |
| 10/01/2019 | <u>7</u>  | REQUEST FOR SUMMONS TO ISSUE <i>for U.S. Attorney for the District of Columbia</i> re <u>1</u> Complaint, filed by ELECTRONIC PRIVACY INFORMATION CENTER. Related document: <u>1</u> Complaint, filed by ELECTRONIC PRIVACY INFORMATION CENTER.(Davisson, John) (Entered: 10/01/2019)  |
| 10/01/2019 | <u>8</u>  | REQUEST FOR SUMMONS TO ISSUE <i>for Attorney General of the United States</i> filed by ELECTRONIC PRIVACY INFORMATION CENTER.(Davisson, John) (Entered: 10/01/2019)  |
| 10/01/2019 |           | MINUTE ORDER. On September 27, 2019, Plaintiff filed a <u>4</u> Motion for Preliminary Injunction, invoking LCvR 65.1(d). Therefore, the Defendant shall file a responsive pleading on or before October 8, 2019. Plaintiff's Reply, if any, is due on or before October 11, 2019, and the Court will hold a hearing on the Motion on October 16, 2019, at 10:30 a.m., in Courtroom 2. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/1/2019. (lctnm2) (Entered: 10/01/2019) |
| 10/02/2019 | <u>9</u>  | SUMMONS (2) Issued Electronically as U.S. Attorney and U.S. Attorney General. (ztth) (Entered: 10/02/2019)   |
| 10/02/2019 | <u>10</u> | NOTICE of Appearance by Gary Daniel Feldon on behalf of All Defendants (Feldon, Gary) (Entered: 10/02/2019)  |
| 10/02/2019 |           | Set/Reset Deadlines/Hearings: Defendants' responsive pleading due by 10/8/2019. Plaintiff's reply due by 10/11/2019. Motion Hearing set for 10/16/2019 at 10:30 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 10/02/2019)   |
| 10/03/2019 | <u>11</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/2/2019. Answer due for ALL FEDERAL DEFENDANTS by 11/1/2019. (Davisson, John) (Entered: 10/03/2019)   |
| 10/08/2019 | <u>12</u> | Counter MOTION to Modify <i>Scheduling Order</i> by NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, UNITED STATES   |

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|            |           | DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Feldon, Gary) (Entered: 10/08/2019)   |
| 10/09/2019 |           | MINUTE ORDER granting in part Defendants' <u>12</u> Consent Motion to Modify Briefing Schedule. Defendants shall file their responsive pleading by today, October 9, 2019. Plaintiff's reply, if any, shall remain due on or before October 11, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/9/2019. (lctnm2) (Entered: 10/09/2019)  |
| 10/09/2019 |           | Set/Reset Deadlines: Defendants' responsive pleading due by 10/9/2019. Plaintiff's reply due by 10/11/2019. (hmc) (Entered: 10/09/2019)  |
| 10/09/2019 | <u>13</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/4/19. (Davisson, John) (Entered: 10/09/2019)   |
| 10/09/2019 | <u>14</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF DEFENSE served on 10/3/2019 (Davisson, John) (Entered: 10/09/2019)  |
| 10/09/2019 | <u>16</u> | Memorandum in opposition to re <u>4</u> MOTION for Preliminary Injunction filed by NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, UNITED STATES DEPARTMENT OF DEFENSE. (zthh) (Entered: 10/11/2019)  |
| 10/10/2019 | <u>15</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>4</u> MOTION for Preliminary Injunction <i>Nunc Pro Tunc</i> by NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Feldon, Gary) (Entered: 10/10/2019)   |
| 10/10/2019 |           | MINUTE ORDER granting Defendants' <u>15</u> Consent Motion for an Extension of Time, <i>Nunc Pro Tunc</i> , to Oppose the Preliminary Injunction Motion. Defendants' Opposition shall be deemed filed on October 9, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/10/2019. (lctnm2) (Entered: 10/10/2019)   |
| 10/11/2019 | <u>17</u> | REPLY to opposition to motion re <u>4</u> MOTION for Preliminary Injunction filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Davisson, John) (Entered: 10/11/2019)   |
| 10/16/2019 |           | Minute Entry for proceedings held before Judge Trevor N. McFadden: Motion Hearing held on 10/16/2019. MOTION for Preliminary Injunction filed by ELECTRONIC PRIVACY INFORMATION CENTER, heard and DENIED for reasons stated on the record. Defendants' Motion to Dismiss due by 10/31/2019. Plaintiff's Opposition due by 11/7/2019. Defendants' Reply due by 11/14/2019. (Court Reporter: Elizabeth Saint-Loth.) (hmc) (Entered: 10/16/2019)  |
| 10/16/2019 | <u>18</u> | ORDER denying <u>4</u> Motion for Preliminary Injunction and setting briefing schedule for a Partial Motion to Dismiss. See attached Order for details. Signed by Judge Trevor N. McFadden on 10/16/2019. (lctnm2) (Entered: 10/16/2019)   |
| 10/18/2019 | <u>19</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE served on 10/15/2019 (Davisson, John) (Entered: 10/18/2019)   |
| 10/18/2019 | <u>20</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ERIC SCHMIDT served on 10/11/2019 (Davisson, John) (Entered: 10/18/2019)  |
| 10/18/2019 | <u>21</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. YLLI BAJRAKTARI served on 10/11/2019 (Davisson, John) (Entered: 10/18/2019)   |
| 10/18/2019 | <u>22</u> | <p>TRANSCRIPT OF PROCEEDINGS, before Judge Trevor N. McFadden, held on 10-16-2019. Page Numbers: 1 – 61. Date of Issuance: 10-18-2019. Court Reporter: Elizabeth SaintLoth; Telephone number: 202-354-3242. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats,</p> |

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|            |           | <p>(multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 11/8/2019. Redacted Transcript Deadline set for 11/18/2019. Release of Transcript Restriction set for 1/16/2020.(Saint–Loth, Elizabeth) (Entered: 10/18/2019)</p> |
| 10/31/2019 | <u>23</u> | <p>Partial MOTION to Dismiss <i>FOIA Claims</i> by NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Feldon, Gary) (Entered: 10/31/2019)</p>   |
| 11/07/2019 | <u>24</u> | <p>Memorandum in opposition to re <u>23</u> Partial MOTION to Dismiss <i>FOIA Claims</i> filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Davisson, John) (Entered: 11/07/2019)</p>  |